

REMARKS

This application has been reviewed in light of the Office Action dated September 2, 2003. Claims 1-21 are pending in this application, of which claims 1, 18, and 20 are in independent form. Claim 18 has been amended to ensure consistency of terminology. Favorable reconsideration is requested.

Applicant notes with appreciation the indication that claims 6, 16, and 17 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. These claims have not been so rewritten because, for the reasons given below, their base claim is believed to be allowable.

Claims 1-5, 7-15, and 18-21 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,014,453 (*Sonoda et al.*) in view of U.S. Patent 5,790,165 (*Kuboki et al.*). Applicant respectfully traverses this rejection for the following reasons.

The aspect of the present invention set forth in claim 1 is a color-image processing apparatus. The apparatus includes reading means and determination means. The reading means reads color image data stored in image storage means provided in the color-image processing apparatus. The determination means determines the similarity between the color image data and a pattern of a specific image at a predetermined time, independent of a read instruction given by a user to read the color image data stored in the image storage means.

One important feature of claim 1 is determining the similarity between the color image data and a pattern of a specific image at a predetermined time, independent of

a read instruction given by a user to read the color image data stored in the image storage means.

Sonoda et al. relates to counterfeit detection and generating probability data representing the probability that an attempt is being made to counterfeit a document. In the *Sonoda et al.* system, image data read by an image sensor in a copy machine is input into a pattern detection device 1 which detects the characteristic pattern (pattern to be compared). The image data is matched against a pattern created by gradating a reference pattern. Successive rough searches are conducted by comparing the patterns, and patterns resembling the reference pattern are extracted. The data associated with these patterns are stored in a storage unit and then matched using fuzzy logic, and probability data of the closeness of a match is generated.

The Office Action asserts that *Sonoda et al.* discloses determining the similarity between the color image data and a pattern of a specific image at a predetermined time, independent of a read instruction given by a user to read the color image data stored in the image storage means, and cites column 9, lines 8-16, in support thereof. This cited passage, however, merely discusses matching image data read by an ordinary copy machine against a pattern created by gradating a reference pattern.

Applicant submits that nothing has been found, or pointed out, in *Sonoda et al.* that would teach or suggest determining the similarity between the color image data and a pattern of a specific image at a predetermined time, independent of a read instruction given by a user to read the color image data stored in the image storage means, as recited in claim 1.

For at least this reason, Applicant submits that claim 1 is clearly patentable over *Sonoda et al.*, taken alone.

Applicant further submits that *Kuboki et al.* fails to remedy this deficiency of *Sonoda et al.* as prior art against claim 1. *Kuboki et al.* relates to image processing capable of detecting a specific image or a predetermined image from an original image in a color printer, color copier, and so on. In *Kuboki et al.*, an image signal from an input system image processor 116 is transmitted to an image discrimination unit 200 which determines whether or not the input image signal is that of a specific original which is prohibited from image formation is discriminated by a well-known pattern recognition method.

Applicant submits that neither *Sonoda et al.*, *Kuboki et al.*, nor any combination thereof (assuming *arguendo* that any such combination would be permissible) teaches or suggests the color-image processing apparatus as recited in claim 1, of determining the similarity between the color image data and a pattern of a specific image at a predetermined time, independent of a read instruction given by a user to read the color image data stored in the image storage means.

Accordingly, Applicant submits that independent claim 1 is clearly patentable over the cited art.

Independent claims 18 and 20 are method and storage medium claims, respectively, corresponding to apparatus claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with claim 1.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the

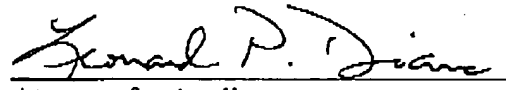
same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


Attorney for Applicant

Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
NYMAIN386324